

Message Text

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ACTION SS-30

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O R 232144Z OCT 73

FM AMEMBASSY SANTIAGO

TO SECSTATE WASHDC IMMEDIATE 6289

INFO AMEMBASSY PANAMA

C O N F I D E N T I A L SANTIAGO 5172

EXDIS

EO 11652: GDS

TAGS: PFOR, CI

SUBJ: ATTACHMENT OF CUBAN SHIP /IMIAS"

REF: STATE 203432

1. LAST SUNDAY ORLANDO SAENZ RAISED "IMIAS" CASE WITH ME, SAYING RESPONSIBILITY ON THIS MATTER HAD PASSED TO HIM. (HE RETURNED TO SANTIAGO THURSDAY NIGHT.) SAENZ ASKED ME IF I THOUGHT IT REALLY WAS THE CASE THAT NO CHILEAN INTEREST WOULD BE SERVED BY PURSUING THE ATTACHMENT IN THE CANAL ZONE. HE ALSO ASKED WHETHER THIS WAS CAUSING SERIOUS INTERNATIONAL PROBLEMS FOR US.

2. IN ANSWERING SAENZ'S QUESTIONS, I NOTED THAT THE SOVIETS HAD RAISED THE WILLIAM FOSTER CASE WITH US IN WASHINGTON SUGGESTING THAT IT WOULD BE WELL TO AVOID COMPLICATIONS OF THIS KIND IN THE PRESENT TIME OF MID-EAST CONFLICT. I WENT ON TO SAY THAT THE SOVIETS HAD BEEN ADVISED THAT THEY COULD POST BOND AND SAIL ON THEIR WAY - AS IS NORMAL IN SUCH CASES. I ADDED THAT A SERIOUS PROBLEM WOULD ONLY ARISE IF THE SOVIETS CHOSE TO MAKE IT SO. SO FAR AS PANAMA IS CONCERNED, I FILLED SAENZ IN ON THE STATE OF PLAY AND THE PANAMA GOVERNMENT'S ATTITUDE, AND EXPLAINED HOW ALL THIS RELATED TO CHILE.

3. ON THE TECHNICAL ASPECTS OF THE CASE, I EXPLAINED THE ARGUMENTS CONTAINED IN REFTEL AS BEST I COULD REMEMBER THEM. I HAVE CONFIDENTIAL

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JUST CALLED SAENZ ONCE AGAIN WITH THE TELEGRAM IN FRONT OF ME AND GONE OVER THE ARGUMENTS POINT BY POINT.

4. COMMENT: REGARDING THE LEGAL ARGUMENTS, I AM A LITTLE

UNEASY ABOUT THE POINTS MADE REFTEL. ON THE SURFACE IT LOOKS
AS IF THE PRESENCE OF THE "IMIAS" AND THE ATTACHMENT DOES PERMIT
CHILE TO PROCEED WITH ITS CASE IN A CZNAL ZONE COURT TO THE
POINT OF GETTING A JUDGMENT - WHICH MIGHT BE FAVORABLE TO CHILE.
CHILE MIGHT CONSIDER SUCH A JUDGMENT VALUABLE EVEN IF NOT
ENFORCEABLE AGAINST THE IMIAS. IN SHORT, IF CHILE ALLOWS THE
IMIAS TO SAIL ON ITS WAY, CAN IT NEVERTHELESS CONTINUE THE
SUIT TO A DECISION ON THE MERITS? AM I ON FIRM GROUND IF
I ASSURE SAENZ THAT CHILE STANDS NOTHING TO GAIN BY PURSUING
ITS PRESENT COURSE?
DAVIS

CONFIDENTIAL

<< END OF DOCUMENT >>

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